

## REMARKS/ARGUMENTS

1. In the above referenced Office Action, the Examiner rejected claims 1, 5 and 6 under 35 USC § 103 (a) as being unpatentable over Yang (U.S. Patent No. 6,801,114) in view of Sakata (U.S. Patent Application No. 2001/0017582). In addition, the Examiner rejected claim 5 under 35 USC § 112, second paragraph, as being indefinite. The Examiner also objected to the drawings. The Examiner objected to claims 2 – 4 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The rejections and objections have been traversed and, as such, the applicant respectfully requests reconsideration of the allowability of claims 2 - 6.

2. The Examiner objected to the drawings for failing to illustrate the plurality of thicknesses with at least some of the plurality of metal layers having a greater thickness of the plurality of thicknesses than other metal layers of the plurality of metal layers. The applicant has amended claim 5 and contents that the figures show the thickness of the metal layers. With reference to Figures 3 and 5, the inductor has partial windings on different layers and the layers are physically separated (i.e., indicative of the thickness of a metal layer supporting the partial winding). The relative difference of thickness between the metal layers does not have to be drawn to scale as indicated in 37 CFR 1.84 (k) which states:

(k) *Scale*. The scale to which a drawing is made must be large enough to show the mechanism without crowding when the drawing is reduced in size to two-thirds in reproduction. Indications such as “actual size” or “scale 1/2” on the drawings are not permitted since these lose their meaning with reproduction in a different format.

In addition, the applicant discuss thickness of metal layers in the specification at page 7, lines 23 – 29, which states:

In particular, depending on IC technology and area constraints, a higher Q value with smaller areas may be obtained for fixed inductor values by allowing a smaller portion of the inductance to be obtained by a smaller number of turns at thinner metal track levels while the larger portion of the inductance results from thicker metal track levels. As one of average skill in the art will appreciate, such



varying of the inductance between thicker and thinner metal tracks can be tailored for any CMOS foundry process.

As such, the applicant believes that the drawings as submitted overcome this objection.

3. Claim 5 has been rejected under 35 USC § 112, second paragraph, as being indefinite. In particular, the Examiner stated that the applicant should clarify the structure/arrangement of the plurality of thicknesses. Applicant should clarify what is intended by “at least some of the plurality of metal layers have a greater thickness of the plurality of thicknesses than other metal layers of the plurality of metal layers”. The applicant has amended claim 5 to overcome this rejection.

4. Claims 1, 5 and 6 have been rejected under 35 USC § 103(a) as being unpatentable over Yang in view of Sakata. The applicant has amended claim 2 to incorporate the limitations of claim 1 and, when needed, amended the other claims to be dependent upon claim 2. Since the Examiner indicated that claim 2 was allowable if rewritten in independent form to include the limitations of the claim 1, the applicant believes that claims overcome the present rejection.



For the foregoing reasons, the applicant believes that claims 2 - 6 are in condition for allowance and respectfully request that they be passed to allowance.

The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication would advance the prosecution of the present invention.

RESPECTFULLY SUBMITTED,

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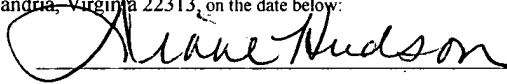
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37 C.F.R. 1.8

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